

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:08cr73
	§	
ANTHONY CARRASCO (1)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 2, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Mandy Griffith.

On February 10, 2009, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 28 months imprisonment followed by a 3-year term of supervised release. Defendant began his term of supervision on June 24, 2010.

On November 24, 2010, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 30). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer; (3) Defendant shall participate in a program of testing and treatment for drug

abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer; (4) Defendant shall obtain his GED and attend adult literacy classes; (5) Defendant shall pay a special assessment in the amount of \$100; and (6) under the guidance and direction of the U.S. Probation Office, Defendant shall participate in any combination of psychiatric, psychological, or mental health treatment as deemed appropriate by the treatment provider.

The Petition alleges that Defendant committed the following violations: (1) on October 31, 2010, Defendant committed the offense of Intimidation/Terroristic Threat in McKinney, Texas, Collin County, according to the arrest report, and, as of the date of the filing of the petition, charges had not been filed by the Collin County District Attorney's Office; (2) on November 7, 2010, Defendant was arrested by McKinney Police Department for committing the offenses of Disregard of Traffic Device (Stop Sign) and No Drivers License, Defendant was found guilty of the above noted charges on November 15, 2010, and a fine of \$208 was imposed; (3) on November 15, 2010, Defendant was arrested by McKinney, Texas, Police Department for committing the offense of Engaging in Organized Criminal Activity, and Defendant and two other accomplices are alleged to have stolen over \$1,500 in merchandise from Belk Store, McKinney, Texas; (4) on November 22, 2010, Defendant was arrested by McKinney Police Department on a warrant for the offense of Theft for an offense occurring on November 15, 2010 in McKinney, TX, Collin County; (5) on November 15, 2010, Defendant was arrested by McKinney Police Department for committing the offense of Engaging in Organized Criminal Activity, and Defendant and two other accomplices allegedly stole clothing items from Belk Store, McKinney, Texas; (6) Defendant failed to report for drug testing at Bob Alterman's Office, Plano, Texas, as instructed on June 30 and August 16, 2010; (7) Defendant

has failed to obtain his GED or participate in adult literacy classes; (8) Defendant has failed to pay the \$100 special assessment, and as of November 24, 2010, the remaining balance was \$75; (8) Defendant failed to attend a mental health individual counseling session at the office of Dr. Lee Jagers, Richardson, Texas on September 16, 2010.

At the hearing, Defendant entered a plea of true to the alleged violations of conditions of his supervised release. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the December 2, 2010 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 15 months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities in Beaumont, Texas, if appropriate.

SIGNED this 8th day of December, 2010.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE